

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PHILLIP R. GAMMALO,)	CASE NO. 1:05CV617
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs,)	
)	<u>ORDER OF DISMISSAL</u>
)	
MICHELL EBERLIN, WARDEN)	
)	
Respondent)	
)	
)	
<u>CHRISTOPHER A. BOYKO, J.:</u>		

Pursuant to Fed. R. Civ. P. 58 and this Court's Memorandum and Opinion filed this day, the Court denies Petitioner's Writ of Habeas Corpus.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). This case is ordered dismissed and removed from the Court's active docket.

IT IS SO ORDERED.

DATE: June 29, 2006

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge